

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
N/S Old Court Road, 375 ft. * ZONING COMMISSIONER
SW of c/l of Greens Lane *
5624 Old Court Road *
2nd Election District * OF BALTIMORE COUNTY
2nd Councilmanic District * Case Nos. 93-384-A
New Antioch Baptist Church
of Randallstown, Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance filed by the New Antioch Baptist Church of Randallstown for its religious building/facility located at 5624 Old Court Road in the Randallstown section of Baltimore County. The Petitioner requests relief from Section 413 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a dual faced sign with an area of 76 sq. ft. (38 ft. per face) in lieu of the maximum 30 sq. ft. The relief requested is more particularly shown on Petitioner's Exhibit No. 2, the plat to accompany the Petition for Variance.

Appearing at the public hearing for this case was Reverend Kenneth L. Barney, Pastor of the New Antioch Baptist Church of Randallstown. Also appearing and testifying at the hearing was Charles E. Arthur, Trustee of the Church. The Petitioner was represented by Bobby Gates. Some of the members of the congregation also appeared at the hearing in support of the Petition. Also appearing in support of the Petition was Charles Jones and Ralph Michel, immediate neighbors of the Church. There were no Protests present.

Testimony and evidence offered was that the subject property is approximately 4.472 acres in area and is zoned D.R.3.5. This site is located on Old Court Road in Randallstown between Liberty Road and Windsor Mill

Road. Further, it was noted that the Church building on site is a new facility, having been completed in approximately July of 1992. Subsequently, in April 1993, the subject sign was erected. It was explained that the Church acquired all of the necessary permits during the construction of the building and sign. However, the necessary variance for the existing sign was overlooked. Lastly, it was noted that the sign is internally lit and operates by way of a timer from 8:00 P.M. to 5:00 A.M. each evening. It was observed, because of the large tract and character of the neighborhood, the sign does not interfere with vehicular traffic on Old Court Road, nor interfere with any of the homes in the locale.

The Petitioner also produced a number of photographs, marked as Petitioner's Exhibit No. 1, of other churches in the area. The subject sign in this case is similar in character and size to many church signs in this vicinity.

As noted above, both Charles Jones and Ralph Michel, immediate neighbors of the Church, testified in favor of the variance. They noted that the lighted sign does not interfere with the use or enjoyment of their properties and that the addition of the Church to this neighborhood has been a positive development for the community. They further observed that the facility and the activities thereon provide an added measure of security to their community.

It should also be observed that the Office of Planning and Zoning, through their written comment dated May 18, 1993 and the testimony of Lenwood Johnson, a Planner, supports the proposed variance. Mr. Johnson recited the factors listed above as reasons for his department's support of the project.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 8th day of June, 1993 that a variance from Section 413 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a dual faced sign with an area of 76 sq. ft. (38 ft. per face), in lieu of the maximum 30 sq. ft., be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LES:mmm

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 7, 1993

Reverend Kenneth L. Barney
10204 Spruce Way
Ellicott City, Maryland 21042

Mr. Charles E. Arthur, Trustee
New Antioch Baptist Church of Randallstown
9921 Hoyt Circle
Randallstown, Maryland 21133

RE: Case No. 93-384-A
Petition for Variance
New Antioch Baptist Church of Randallstown, Petitioner

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
att.
cc: Bobby Gates, Esquire, 4610 Talmon Road, Pikesville, Md. 21208
cc: Mr. Charles Jones, 5605 Old Court Road, Randallstown, Md. 21133

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 8, 1993

Reverend Kenneth L. Barney
10204 Spruce Way
Ellicott City, Maryland 21042

Mr. Charles E. Arthur, Trustee
New Antioch Baptist Church of Randallstown
9921 Hoyt Circle
Randallstown, Maryland 21133

RE: Case No. 93-384-A
Petition for Variance
New Antioch Baptist Church of Randallstown, Petitioner

Gentlemen:

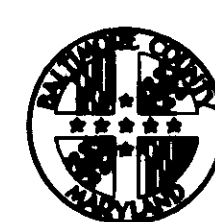
Please correct the case number on your recently approved Petition for Variance to show 93-384-A instead of 93-170-A. This was an error on our part. Sorry for the inconvenience.

Thank you for your courtesy and cooperation.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
att.
cc: Bobby Gates, Esquire, 4610 Talmon Road, Pikesville, Md. 21208
cc: Mr. Charles Jones, 5605 Old Court Road, Randallstown, Md. 21133



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at NEW ANTIOCH BAPTIST CHURCH OF RANDALLSTOWN which is presently zoned

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 413

To allow a dual faced sign with an area of 76 sq ft (38 per face) in lieu of the maximum 30 Sq. ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

(see attached)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:

KENNETH L. BARNEY, PASTOR

(Type or Print Name)

Signature

10204 Spruce Way

Address

Ellicott City, MD 21042

City State Zipcode

Attorney for Petitioner:

BOBBY GATES

(Type or Print Name)

Signature

4610 TALMON ROAD

Address

Pikesville, MD 21208

City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

NEW ANTIOCH BAPTIST CHURCH OF RANDALLSTOWN

(Type or Print Name)

Signature

Rev. Kenneth L. Barney

Charles E. Arthur, Trustee

(Type or Print Name)

Signature

5616 Old Court Road

Address

Randallstown, MD 21133

City State Zipcode

Name, address and phone number of representative to be contacted.

REV. KENNETH L. BARNEY, PASTOR

Address

10204 Spruce Way

Address

Ellicott City, MD 21042

City State Zipcode

Check one box only

Responsible for Posting

Must Post Signage

ALL

APPROVED BY

DATE 4-30-93

DATED: April 21, 1993

Kenneth Barney
Kenneth L. Barney
Pastor, New Antioch Baptist
Church of Randallstown

Paul L. P.H.

Paul L. Engineering Inc.
504 W. Pennsylvania Ave.
Towson, Maryland 21204
410-281-5341

DESCRIPTION

5624 OLD COURT ROAD

ELECTION DISTRICT 202 BALTIMORE COUNTY, MD.

Beginning for the same at a point on the north side of Old Court Road, said point also being located Southwesterly- 375 feet ± from the center of Greens Lane; thence binding on the north side of Old Court Road; (1) S 59°30'39" W 100.00 feet, and (2) S 59°38'58" W 351.33 feet, thence leaving said north side of Old Court Road (3) N 15°34'11" W 477.17 feet, (4) N 68° 35'59" E 495.26 feet, (5) S 21°31'11" E 173.42 feet, (6) S 59° 29'43" W 100.00 feet, and (7) S 21°31'11" E 215.00 feet to the point of beginning.

Containing 4.822 acres of land, more or less, and subject to widening of Old Court Road as shown on plan.



Engineer - Surveyor - Site Planner

4/28/93

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: 5/14/93
Posted for: Variance
Petitioner: New Antioch Baptist Church of Randall's town
Location of property: 5624 Old Court Rd., NW, 2nd S/Election Dist.
Location of Sign: Facing NW corner of property
Remarks: _____
Posted by: [Signature] Date of return: 5/14/93
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 13, 1993
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 13, 1993

THE JEFFERSONIAN,

S. Zake Olson
Publisher

Baltimore County Government
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: 4-30-93

New Antioch Baptist Church
of Randall's town
5624 Old Court Rd.

020 Variance — \$250.
080 Sign & posting — 35.
Total — \$285.

DIAD10078HICRC \$285.00
SA C004:01PM04-30-93
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

For newspaper advertising:

Case No.: _____ Item No.: 394

Petitioner: _____

LOCATION: _____

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Charles E. Anthony, Jr.
ADDRESS: 5624 Old Court Rd. P.O. Box 376
Randallstown, MD 21133
PHONE NUMBER: 410-521-7866

AJ:ggg
(Revised 3/29/93)

TO: POTENTIAL PUBLISHING COMPANY

Please forward billing to:

New Antioch Baptist Church of Randallstown
Rev. Kenneth L. Barney, Pastor
10204 Spruce Way
Ellicott City, Maryland 21042
(410) 750-7229

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-384-A (Item 394)

5624 Old Court Road
P.O. Box 376, NW of c/l of Green Lane
2nd Election District - 2nd Councilmatic

Legal Owner(s): New Antioch Baptist Church of Randallstown

HEARING: FRIDAY, JUNE 4, 1993 at 11:00 a.m. in Rm. 106, County Office Building.

Variance to allow a dual faced sign with an area of 76 square feet (38 per face) in lieu of the maximum 30 square feet.

[Signature]
Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

MAY 6, 1993

NOTICE OF HEARING

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P.O. Box 376, NW of c/l of Green Lane
2nd Election District - 2nd Councilmatic

Legal Owner(s): New Antioch Baptist Church of Randallstown

HEARING: FRIDAY, JUNE 4, 1993 at 11:00 a.m. in Rm. 106, County Office Building.

Variance to allow a dual faced sign with an area of 76 square feet (38 per face) in lieu of the maximum 30 square feet.

[Signature]
Arnold Jablon
Director

cc: New Antioch Baptist Church of Randallstown
Rev. Kenneth L. Barney
Bobby Gates, Esq.

NOTES: (1) BUILDING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 24, 1993

Bobby Gates, Esquire
4610 Tulson Road
Pikesville, MD 21208

RE: Case No. 93-384-A, Item No. 394
Petitioner: New Antioch Baptist Church
of Randallstown
Petition for Variance

Dear Mr. Gates:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on April 30, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 394 (JSS)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

[Signature]
for Bob Small
John Contestable, Chief
Engineering Access Permits
Division

My telephone number is _____

For information on location of hearing or branch
260-7505 Baltimore Metro - 260-8497 D.C. Metro - 1-800-452-9228 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21202-9717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee

Date: May 11, 1993

FROM: Captain Jerry Pfeifer
Fire Department

SUBJECT: Comments for 05/17/93 Meeting

Item 386	Building shall be built in compliance with the 1991 Life Safety Code and the Baltimore County Fire Prevention Code.
Item 387	No Comments
Item 388	No Comments
Item 389	No Comments
Item 390	No Comments
Item 391	Site shall comply with applicable provisions of the Baltimore County Fire Prevention Code.
Item 392	No Comments
Item 393	No Comments
Item 394	No Comments
Item 395	Townhouses for which the initial building permit was applied for after July 1, 1992 are required by State Law to be sprinklered.

RECEIVED
MAY 12 1993
ZADM

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: May 18, 1993

SUBJECT: 5616 Old Court Road

INFORMATION:

Item Number: 394 - 93-384-A

Petitioner: New Antioch Baptist Church of Randallstown

Property Size: _____

Zoning: DR 3.5

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

Staff conducted a cursory inspection of the Liberty Road Area on Wednesday, May 12, 1993 and saw at least three church signs very similar to Antioch's. The subject sign, which has already been erected, is compatible with the church's brown brick exterior and does not negatively impact the area.

Therefore, based upon a review of the subject request, staff recommends that the petitioner's request be granted.

Prepared by: Jeffrey W. Linn

Division Chief: Gary L. Kenna

PK/JL:lw

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

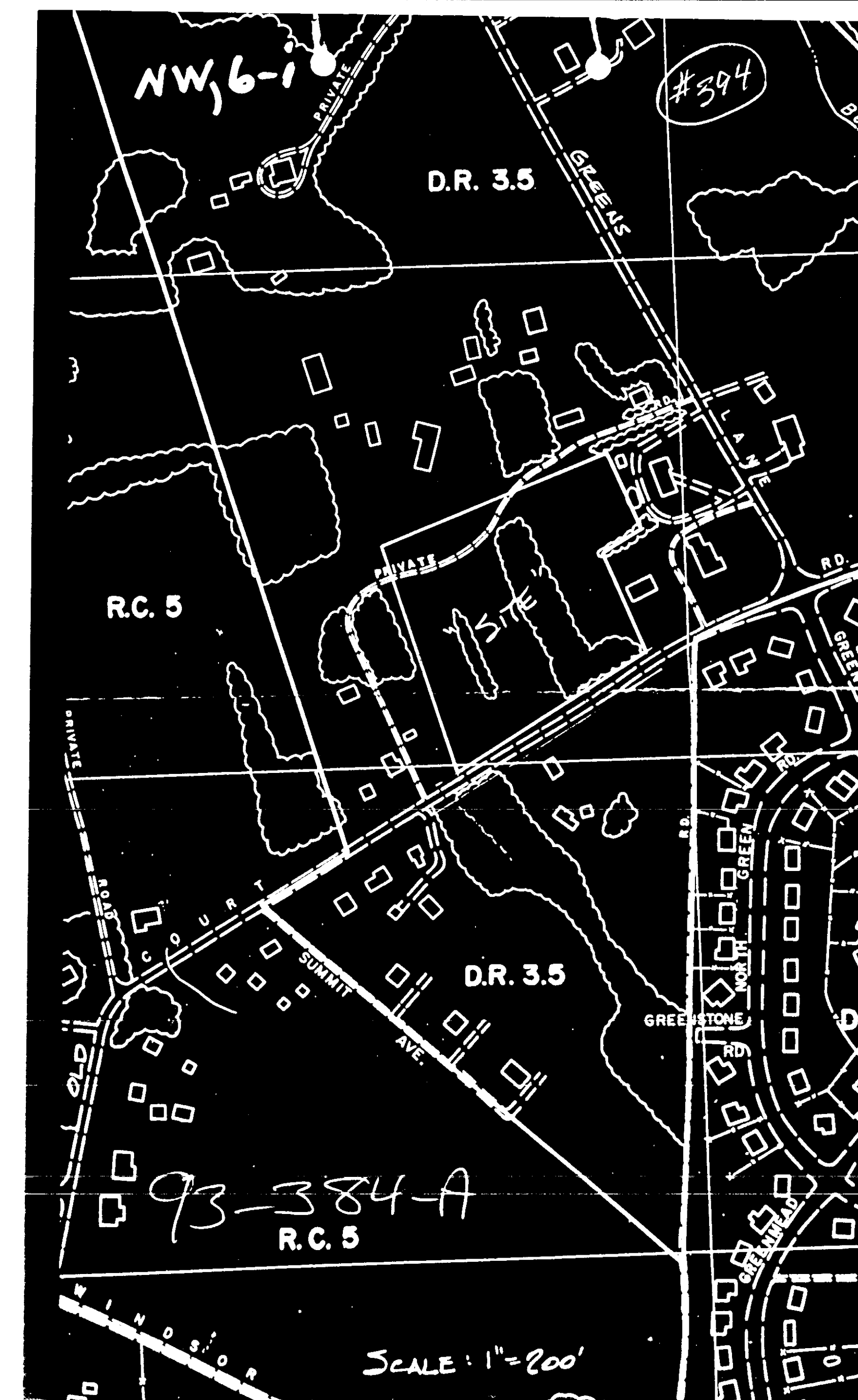
NAME	ADDRESS
Bob Gies, Esquire	10 Glen Lynn Ct. Pikesville, MD 21133
Robert Kenneth Roberts	1224 Glenview Rd. Baltimore, MD 21202
Charles E. Smith	9921 Westville Rd. Baltimore, MD 21133
Charles J. Smith	9931 Westville Rd. Baltimore, MD 21133
Clifford H. Smith	5125 A Ave. Pikesville, MD 21133
Donald F. Tinsley	3705 Inverness Rd. Baltimore, MD 21133
Donald F. Tinsley	1720 Pinecroft Rd. Baltimore, MD 21133
Donald F. Tinsley	5124 Ketchikan Rd. Baltimore, MD 21133
Donald F. Tinsley	9904 Southall Rd. Randallstown, MD 21133
Donald F. Tinsley	3605 Old Court Rd. Baltimore, MD 21133
Donald F. Tinsley	12 Enchanted Mills Rd. Baltimore, MD 21133
Donald F. Tinsley	8823 Greens Lane Baltimore, MD 21133
Donald F. Tinsley	9103 North Rd. Pikesville, MD 21133
Donald F. Tinsley	2825 Wilets Rd. Baltimore, MD 21133
Donald F. Tinsley	1919 Sycamore (Way) Baltimore, MD 21239
Donald F. Tinsley	5606 Old Court Rd. Baltimore, MD 21207
Donald F. Tinsley	5904-11 Baltimore St. Baltimore, MD 21207
Donald F. Tinsley	8601 Gayton Rd. Baltimore, MD 21133
Donald F. Tinsley	9042 Meadow Hts. Rd. Baltimore, MD 21133
Donald F. Tinsley	3400 Kings Point Rd. Baltimore, MD 21133
Donald F. Tinsley	8508 Allenswood Rd. Randallstown, MD 21133

PETITIONER'S
EXHIBIT NO. 1 93-384-A

PETITIONER'S
EXHIBIT NO. 1 93-384-A

PETITIONER'S
EXHIBIT NO. 1 93-384-A

PETITIONER'S
EXHIBIT NO. 1 93-384-A





- 1 AREA OF PROPERTY = 4.472 Ac. (3,003 - 4,022 Ac.)
- 2 EXIST ZONING OF PROPERTY = "DR 35"
- 3 EXIST USE OF PROPERTY = "NEW ANTIOCH BAPTIST CHURCH"
- 4 "FROM ZONING OF PROPERTY = "DR 35"
- 5 PROPOSE USE OF PROPERTY = "NEW ANTIOCH BAPTIST CHURCH"
- 6 REQUIRED OFF-STREET PARKING: 220 SEATS / 4 SEATS = 55 T/S.
- 7 NUMBER OF PARKING SPACES SHOWN (INCL 2 H.G.) = 57 RS
- 8 "FROM SERVED BY PRIVATE UTILITIES
- 9 PETITIONER REQUESTING A VARIANCE TO SECTION 4.3.1.6 OF THE
BALTIMORE COUNTY ZONING REGULATION TO PERMIT A TOTAL
SIGN AREA OF 76 S.F. (38 S.F. FACE) IN LIEU OF THE REQUIRED
TOTAL 303 S.F. (15 S.F. FACE). A VARIANCE OF 46 S.F. TOTAL

**PETITIONER'S
EXHIBIT NO. 2**

PLAT TO ACCOMPANY PETITION
FOR

VARIANCE

*5624 OLD COURT ROAD

NEW ANTIOCH BAPTIST CHURCH

~~ELECT. DIST. PC2~~

BALTIMORE COUNTY, MD.

SCALE: 1" = 30'

APRIL 28, 1993

2FACE SIGN
38 SF.*/FACE
TOTAL = 76 S.F.

PROPOSED SIGN DETAIL
SCALE: 1" = 8'

PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND - 21204



93-009